Report Prepared for: Mr Alex Turner

Protected Species Survey Report

Corner Farm

38 Purton Stoke

Wiltshire

SN5 4JG

July 2023

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Surveyor Experience

Jason Skinner – 7 years professional ecological experience, primarily involved with bats and reptiles through consultancy and assisting on research projects. Experienced with small-scale and large-scale development projects and involvement on multiple bat mitigation licences. Co-author of peer-reviewed research papers on reptiles and amphibians. Member, BBCARG and Wiltshire Bat Group.

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1 INTRODUCTION

1.1 Cotswold Environmental was instructed to carry out a Protected Species Survey on a building at Corner Farm, 38 Purton Stoke, Wiltshire SN5 4JG. The surveyed structure is located at approximate National Grid Reference (NGR): SU 09245 90507.

1.2 Development proposals are described as the installation of two shepherd huts onsite. In due course, a planning application will be submitted to Wiltshire Council.

1.3 This report provides survey data based on a field visit that was carried out during July 2023. The purpose of the daytime field visit was to assess the site for its suitability to support protected species and to document any notable field signs of protected species while undertaking the survey. Habitats on site were evaluated for their ecological importance to protected wildlife. The survey results provide information to determine the potential ecological impact the proposed development may have on protected species, and to inform the level of further survey effort and / or mitigation required to comply with relevant nature conservation policies and legislation. The evaluation and findings in this report can be used by Wiltshire Council in their view of the planning application.

1.4 The survey site is located at the eastern edge of Purton Stoke village, approximately 2.8 km north of Purton. The property comprises a roadside residential dwelling with a curtilage of barns/outbuildings located to the west and grazing paddocks to the south.

1.5 The National Planning Policy Framework (NPPF) (July 2021) sets out the government planning policies for England and how they should be applied. Chapter 15: Conserving and Enhancing the Natural Environment, is of particular relevance to this report as it relates to ecology and biodiversity. The Government Circular 06/2005, which is referred to by the NPPF, provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.

1.6 Survey results included within this report should be considered valid for a period of 12 months from the survey date.

1.7 All survey and assessment work was completed in accordance with official assessment guidelines[1] and largely followed that recommended by the Chartered Institute for Ecology and Environmental Management (CIEEM) [2] and follows the British Standard Code of Practice[3].

[1] Collins J (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd edn. Bat Conservation Trust, London.
[2] CIEEM (2017) Guidelines for Ecological Report Writing. CIEEM, Winchester.
[3] British Standards Institution (2013) BS 42020:2013. Biodiversity – Code of practice for planning and development. British Standards Institution, London.

Survey Objectives

- To establish suitability for protected species.
- Ascertain evidence of protected species.
- Determine potential ecological impact the proposed development will have on protected species.
- Inform the level of further survey effort that is required.

2 METHODOLOGY

Desk Study

2.1 A records search was undertaken using desktop resources including the Multi-Agency Geographic Information for the Countryside[4] (MAGIC) resource. MAGIC was used to search for records of designated sites, habitats and granted European Protected Species Licenses (EPSLs) within a 2km radius. Google Earth[5] was also used to study the nearby landscape.

2.2 In addition to this, Wiltshire and Swindon Biological Records Centre (WSBRC) was asked to provide a list of habitats, designated sites, and notable wildlife from within a 1km radius of the survey site.

Field Study

2.3 Ecological consultant Jason Skinner (NE Class 2 Bat Survey licence 2020-50774-CLS-CLS, Accredited agent - NE Class 1 GCN licence number 2020-47806-CLS-CLS) carried out the Protected Species Survey on Monday 17th July 2023.

2.4 The field visit involved a walkover using visual encounter survey techniques. The dominant vegetation structure was assessed, allowing habitats on site to be valued for their ecological importance to protected wildlife. Binoculars were also used to scan for features likely to support protected species. All protected species were considered during the assessment and all wildlife species were recorded. The work was completed largely following methodologies set out by the Chartered Institute for Ecology and Environmental Management (CIEEM) and British Standard Code of Practice.

Species

2.5 All protected species were considered during the survey. Only those considered likely to utilise the site are mentioned in this report.

[4] Multi-Agency Geographical Information for the Countryside (MAGIC). Crown Copyright and database rights [2015]. Ordnance Survey 100022861. Available at: http://www.magic.gov.uk/
[5] https://www.google.co.uk/intl/en_uk/earth/

Bats

2.6 Survey effort was completed in line with official assessment guidelines[6] and largely followed that recommended by the Chartered Institute for Ecology and Environmental Management (CIEEM)[7] and British Standard Code of Practice[8]. The assessment followed the standard methodology. The site was searched using visual encounter survey techniques. Potential bat movement corridors and movement barriers were assessed and noted.

2.7 Visual ground inspections of all trees were undertaken using binoculars and a telephoto lens. Photographs were taken to capture likely features of ecological value to bats and birds i.e. flaking bark, rot holes and woodpecker holes and the ground within close proximity of the trees was thoroughly inspected for bat droppings and feeding remains. Where possible holes and crevices which considered by the surveyor as likely to be used as a bat roost were examined using an endoscope to ascertain presence or absence of bats

Table 1: Guidelines summary for assessing potential bat roost suitability

Suitability	Description of building, tree or structure
Negligible	Negligible habitat features on site likely to be used by roosting bats
Low	A structure or tree with one or more potential roost sites that could be used by individual bats opportunistically. However, potential roost sites not suitable for larger numbers or regular use (i.e. maternity or hibernation).
Moderate	A structure or tree with one or more potential roost sites that could be used by bats, but unlikely to support a roost of high conservation status.
High	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time.
Confirmed roost	Evidence of bats or use by bats found.

Birds

2.8 All habitats within the survey boundary were assessed for their potential to support nesting birds and trees were checked to see if the development would have any adverse effects on nesting birds. Where required, artificial light was used to search features within trees for birds, dead birds, dead chicks, nesting material and eggs. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one that is being built, containing eggs or chicks, or on which fledged chicks are still dependent. Birds within Schedule 1, such as barn owl, are also protected from disturbance during the nesting period.

[6] Collins J (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd edn. Bat Conservation Trust, London.
[7] CIEEM (2017) Guidelines for Ecological Report Writing. CIEEM, Winchester.
[8] British Standards Institution (2013) BS 42020:2013. Biodiversity – Code of practice for planning and development. British Standards Institution, London.

2.9 The presence of notable and protected bird species and any signs indicative of their past and present use was taken into consideration during the assessment of the site. Likely perches and nesting locations were checked and cavities within trees were examined for nesting debris where accessible.

Reptiles and Amphibians

2.10 Habitats were assessed for their potential to support reptiles and amphibians including great crested newt *Triturus cristatus* (GCN). Waterbodies typical of those utilised for breeding and foraging activity, and terrestrial refugia suited to sheltering and basking such as waste heaps and plastic/metal/timber sheeting were noted if present (see limitations). In addition, any dense vegetation including tall ruderal and scrub that is connected to hedgerows, linear tree features and waterbodies was inspected during the assessment.

2.11 Accessible ponds located within a 500 m radius of the site were assessed using the Habitat Suitability Index (HSI) (see limitations). This method is used for assessing the suitability of any given waterbody to support great crested newt. HSI assessment results are then used to enable the ecologist to determine the likelihood of requirements for further survey work. The HSI score is not a direct indication of the presence of GCN in any given water body.

2.12 Natural England's Rapid Risk Assessment tool was used as an indicator of the requirement of a European Protected Species Licence for the development works to lawfully proceed.

Hazel dormouse

2.13 Hedgerows, scrub and treelines within and bordering the surveyed site were assessed for their suitability to support breeding populations of the dormice *Muscardinus avellanarius*, as well as suitability to provide connectivity to nearby suitable breeding habitats.

Badger

2.14 All habitats within the site boundary were inspected for badger (*Meles meles*) activity. Whilst on site, the search included evidence of:

- Scratching posts
- Faeces
- Latrines
- Guard-hairs
- Paw prints
- Trackways

Limitations

- Bat droppings deposited outside degrade quickly due to weather. The presence of bats or their roost must not be disregarded in the absence of droppings.
- Many bat species in the UK are crevice-dwelling bats and as such, are difficult to find during the assessment of trees from ground level.
- Access to ten waterbodies within a 500 m radius of the survey boundary, all of which lie on private land, was not obtained for Habitat Suitability Index (HSI) assessment. However, as the proposed plans will only be impacting a specified area within the survey boundary – a site which offers negligible value as terrestrial habitat for GCN, lack of access to these waterbodies was not considered to be a limitation and did not impact the survey results or conclusions made within this report.

3 RESULTS

Desk Study

3.1 According to the MAGIC database, no statutory designated sites exist within a 2km radius of the site boundary. The site lies within the Great Western Community Forest, however no further non-statutory sites are found within the same radius. Furthermore, no internationally designated sites for bat conservation exist within a 10 km radius of the site.

Biological Records

3.2 A local biological records search for notable and protected species was obtained from Wiltshire and Swindon Biological Records Centre (WSBRC) for within a 1 km radius of the survey boundary. Only those considered relevant in relation to the site are included below.

Mammals

3.3 WSBRC returned a list of 10 records for bat, including four confirmed species from within a 1km radius of the survey site, comprising common pipistrelle *Pipistrellus pipistrellus*, brown long-eared *Plecotus auritus*, whiskered *M. mystacinus*, serotine *Eptesicus serotinus*, and further records of unidentified bat.

3.4 12 records for European hedgehog *Erinaceus europaeus* were returned by WSBRC. Furthermore, no records for European badger *Meles meles*, 3 records for brown hare *Lepus europaeus*, and one for Otter *Lutra lutra* were returned from within a 1 km radius.

3.5 No records for hazel dormouse *Muscardinus avellanarius* or water vole *Arviolca amphibius* were returned by WSBRC from within a 1 km radius.

3.6 Reptiles and Amphibians

3.7 One record for slow worm *Anguis fragilis* was returned from within a 1 km radius of the survey boundary. No further records for reptiles were returned.

3.8 Three records for common frog *Rana temporaria* were returned from within a 1 km radius. However, **no records of great crested newt *Triturus cristatus* were returned by WSBRC.** In addition, no positive GCN class licence returns or GCN pond surveys are shown on the MAGIC website within a 2 km radius of the site.

Habitats

3.9 Habitats immediately surrounding the property are largely comprised of grazing pasture and arable fields with low density residential development located to the north. The surrounding farmland features hedgerows and scattered mature trees. According to the MAGIC website, pasture 500 m to the north of the property includes Floodplain Grazing Marsh (Priority Habitat) associated with the River Key and the wider environment is poorly wooded with two blocks of Deciduous Woodland (Priority Habitat) located 1.5 km to the south-east. Other notable habitats within a 2 km radius include an area of good quality semi-improved grassland (Non Priority) to the north-west, further waterbodies and minor watercourses.

3.10 The survey site is located to the south-west of the residential dwelling and comprises an area of regularly mown improved grassland surrounded by timber post fencing, a hedgerow and a group of scattered broadleaved trees. A pond with an area of decking and two dead trees is located in the centre of the field. An existing track provides vehicular access to the site from the B4553 Cricklade Road which is located to the east.

Zone of impact

3.11 The shepherds huts will be sited on short improved grassland to the immediate north of the pond that is located in the centre of the field. The pond and two surrounding dead trees are to be retained and will not be directly impacted by the proposals.

Local and onsite waterbodies

3.12 Through use of the MAGIC website, twelve ponds were identified within a 500 m radius of the site boundary (see Table 2 below), two of which are located within the grounds of Corner Farm. However, eleven of these occur on private land and subsequently were not accessed during the survey effort (see limitations).

Table 2: Pond Locations within a 500 m radius

Pond	Distance from Site (Metres)	Direction	Grid Reference	Notes
1	0	South	SU 09244 90507	Located next to zone of impact – HSI score 0.71 – good suitability for GCN
2	75	North	SU 09251 90589	Located within grounds of property – HSI score 0.59 – below average suitability for GCN
3	75	South-West	SU 09183 90456	Not accessed – located on private land (see limitations)
4	110	East	SU 09360 90526	Not accessed – located on private land (see limitations)
5	160	South	SU 09231 90349	Not accessed – located on private land (see limitations)
6	190	South-West	SU 09114 90368	Not accessed – located on private land (see limitations)
7	235	South-East	SU 09382 90320	Not accessed – located on private land (see limitations)
8	265	North-East	SU 09400 90736	Not accessed – located on private land (see limitations)
9	390	North-West	SU 08917 90734	Not accessed – located on private land (see limitations)
10	400	West	SU 08861 90427	Not accessed – located on private land (see limitations)
11	440	East	SU 09667 90642	Not accessed – located on private land (see limitations)
12	485	North-West	SU 08998 90939	Not accessed – located on private land (see limitations)

Protected species records within a 2km radius

3.13 According to the online MAGIC database, five EPS licenses have been granted within a 2km radius of the development site. These are shown in Table 2 below. A single GCN Class Survey Licence Return was identified from a location 2 km to the north-west, although no positive GCN Pond Surveys had been undertaken between 2017-2019.

Table 3: Granted EPSLs within 2km of survey site

Species	Distance	Direction	Year Granted
BLE	358 m	South-West	2012
C.pip, S.pip	1.1 km	East	2018
Whisk	1.2 km	East	2016
GCN	1 km	East	2013
GCN	1.9 km	North-East	2015

C.pip = *Pipistrellus pipistrellus*, S.pip = *P.pygmaeus*, BLE = *Plecotus auritus,* Whisk = *Myotis mystacinus*

Survey results

Table 4: Weather conditions during Protected Species Survey

Temperature recorded onsite using an Elitech RC-51 Temperature Logger.

Date	Start	Finish	Temp °C	Wind	Cloud	Rain
17/07/23	10:30	11:45	19	Light Breeze	10%	Dry

Bats

Ground Level Tree Assessments

3.14 Two dead trees are present near the zone of impact, located at the edge of the nearby pond (Pond 1). Both were assessed from ground level for Potential Roosting Features (PRFs) due to their proximity to the proposed area of works and both were found to offer moderate value to roosting bats due to the presence of suitable features such as flaking bark, rot holes and hazard beams/vertical wounds although no evidence of bat presence was found during the tree assessments. Tree images are shown within the report Appendices: Site Images.

3.15 In addition to suitable roosting habitat outlined above, the nearby group of scattered broadleaved trees located within the grounds of the property represent suitable foraging and commuting habitat for bats.

3.16 No additional habitat features considered to offer value to bats; such as hedgerows or trees, are found within the immediate vicinity of the zone of impact.

Birds

3.17 Some of the features noted above within the dead trees may offer value to small species of nesting bird, however, no evidence of nesting birds was discovered during the assessment and no further suitable nesting habitat is found within close proximity to the zone of impact.

Badger

3.18 Suitable foraging and commuting habitat exists within the surrounding fields, however no evidence of sett building or badger activity was discovered within 30 metres of the site boundary. Therefore badger are not considered further within this report.

Hazel dormouse

3.19 The surrounding environment is poorly wooded and although scattered broadleaved trees and a hedgerow are located at the boundaries of the field these are considered sub-optimal for use by hazel dormouse because of poor connectivity to surrounding areas of woodland or hedgerow networks and the lack of a well-connected understory. Furthermore, these features are to be retained and will not be directly impacted by the proposals and no evidence of dormouse activity was discovered during the site assessment, as such, dormouse are not considered further within this report.

European hedgehog

3.20 No evidence of European hedgehog *Erinaceus europaeus* was discovered during the site visit, and habitats within the survey boundary were considered to hold little value to foraging, commuting or sheltering hedgehogs, therefore they are not considered further within this report.

Reptiles and Amphibians

3.21 The zone of impact is located on short mown improved grassland next to a pond (Pond 1). Whilst the pond may offer suitable onsite breeding habitat for amphibians, including GCN, the dominant onsite habitat of grassland maintained with a sort sward height completely surrounds the pond and is considered to hold negligible value as terrestrial habitat for both reptiles and amphibians. Eleven further standing bodies of water were identified beyond the site boundary within a 500 m radius during the desktop study.

3.22 No evidence of reptiles or amphibians was discovered during the assessment and no suitable sites of refuge or cover that would typically be used by reptiles or by GCN during the terrestrial phase of their lifecycle were noted within the survey boundary.

Table 5: Habitat Suitability Index Assessment Scores

	Pond Name	**Pond 1**	**Pond 2**
HSI No	SI Description	SI Value	SI Value
1	Geographic location	1	1
2	Pond area	0.2	0.05
3	Pond permanence	1.0	1
4	Water quality	0.67	0.33
5	Shade	0.9	0.9
6	Water fowl effect	1	1
7	Fish presence	1	1
8	Pond Density	1	0.6
9	Terrestrial habitat	0.67	0.67
10	Macropyhyte cover	0.4	0.8
HSI Score		**0.71**	**0.59**
Pond suitability (see below)		Good	Below Average

3.23 Use of Natural England's GCN Rapid Risk Assessment tool indicates a result of 'Offence Highly Unlikely' (See Table 5 below).

Table 6: Natural England Rapid Risk Assessment

Component	**Likely effect** (select one for each component; select the most harmful option if more than one is likely; lists are in order of harm, top to bottom)	Notional offence probability
Great crested newt breeding pond(s)	No effect	0
Land within 100m of any breeding pond(s)	0.001 - 0.01 ha lost or damaged	0.05
Land 100-250m from any breeding pond(s)	0.001 - 0.01 ha lost or damaged	0.005
Land >250m from any breeding pond(s)	0.001 - 0.01 ha lost or damaged	0.0005
Individual great crested newts	No effect	0
	Maximum:	0.05
Rapid risk assessment result:	GREEN: OFFENCE HIGHLY UNLIKELY	

Riparian mammals

3.24 Surrounding minor watercourses and rivers will likely offer suitable habitat for European otter *Lutra lutra* and water vole *Arvicola amphibius.* However, as no suitable hydrological links exist immediately adjacent to or within the survey boundary these species are not considered further within this report.

4 INTERPRETATION AND RECOMMENDATIONS

4.1 A paddock of improved grassland located at Corner Farm, Purton Stoke is the subject of a planning application. Development proposals are described as the installation of two shepherd huts.

4.2 The site is located within a lightly developed setting surrounded by farmland with hedgerows and scattered mature trees but with limited areas of woodland. An abundance of ponds provides additional diversity to an otherwise homogeneous agricultural landscape. Terrestrial habitats within the site are dominated by the short mown improved grassland which is considered to provide negligible value to protected species.

4.3 No statutory designated sites are found within a 2 km radius and the proposals are considered small-scale, therefore, providing that the development site is not subjected to the inappropriate use of lighting, no impacts to surrounding habitats are anticipated.

4.4 Five EPSLs have been granted for GCN and four species of bat within a 2 km radius of the site, indicating that the surrounding environment supports populations of both species' groups. Whilst no records for GCN were returned from the local biological records search from within a 1 km radius, this is likely the result of under-recording as appose to this species absence from the local area. Furthermore, although the surrounding area lacks any substantial blocks of woodland, habitats surrounding the site are still considered to have good potential to support roosting, foraging and commuting activity for bats of various species.

4.5 Two dead trees located near the zone of impact were found to hold moderate bat roosting potential and may provide suitable nesting habitat for small birds, however these trees are to be retained and will not be directly impacted by the proposed development, therefore no further survey effort on these trees is recommended though use of nocturnal lighting should be carefully considered (see Nocturnal Lighting Scheme, point 4.9).

4.6 The zone of impact and immediate surrounding habitat was considered to hold negligible value to sheltering reptiles and amphibians and the proposals will not result in the loss of terrestrial or aquatic habitats, or prevent commuting and dispersal; however, due to the proximity of Pond 1, which scored a HSI score of 0.71 – Good Suitably to support GCN – potential use of this pond by breeding GCN should be a consideration of the proposed development and a safe working practice should be adhered to at all times during the site clearance phase of the proposed development.

4.7 Taking the above into consideration it is recommended that a Precautionary Working Method Statement (PWMS) be prepared in order to reduce risks to reptiles and amphibians at all times throughout the development proposal.

4.8 It is recommended that a PWMS detailing Reasonable Avoidance Measures (RAMS) be implemented onsite to mitigate potential impacts to GCN and other amphibians in relation to the development proposal. This will include, but is not limited to, measures for:

- The provision of a suitably experienced and GCN licenced ecologist on site during all vegetation and refugia clearance. This will include a finger-tip search of suitable areas prior to works commencing.

- A toolbox talk to be undertaken for all onsite personnel prior to commencement of vegetation clearance works, relating to dormouse, reptiles and GCN and their awarded level of protection.

- Timings and methods to be used for sensitive vegetation clearance, in a safe and controlled manner.

- How onsite habitats will be maintained following vegetation clearance to further reduce risks to protected species and other wildlife, as well as during the construction phase.

- What to do in the event that a protected species is discovered on site during the works.

Outline Nocturnal Lighting Measures

4.9 As suitable bat habitat occurs within the nearby surrounding environment, a low-level lighting scheme should be implemented during and after construction to avoid indirect disturbance to bats and other nocturnal animal species that may exploit local habitats. Measures must be taken to ensure nocturnal animals are safeguarded from inappropriate use of light and noise throughout the hours of night during the construction period, as well as to protect important commuting corridors for bats. Any external lighting installed as part of the development must be used in accordance with Guidance Note 8: Bats and Artificial Lighting[9].

4.10 Sensitive lighting strategy measures during the construction period are as follows:

- Works must not be carried out after dusk and must not commence until after dawn.
- Generators and machinery that emit significant noise levels must not be left to run after dusk.

[9] https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/

- LED lighting sources must be used, which generally have a narrower and more directional beam.
- Light spill must be controlled and if lighting is required at night, hooded shields must be fitted to prevent spill onto nearby habitats that are likely to support wildlife, notably the nearby trees and hedgerows.
- Lighting must not be directed towards any bat or bird compensation features.

In addition to the above, when selecting appropriate external lighting, the following specifications should be taken into consideration:

- Any external lighting incorporated into the proposed development should be LED luminaires due to their sharp cut-off, lower intensity, good colour rendition and dimming capability.
- Luminaires should feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats[10].
- All luminaires should lack UV elements when manufactured. Metal halide, fluorescent sources should not be used[11]

[10] Stone, E.L. (2013) *Bats and lighting: Overview of current evidence and mitigation*
[11] Bat Conservation Trust & Institute of Lighting Professionals (ILP) 2018. *Guidance Note 8: Bats and artificial lighting in the UK*. Bats and the Built Environment Series.

APPENDIX A: LEGISLATION SUMMARY

National Planning Policy Framework 2021

The National Planning Policy Framework (NPPF) (Ministry of Housing, Communities and Local Government, 2019) states: Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 172), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

Wildlife & Countryside Act 1981 (as amended)

The Wildlife & Countryside Act 1981 (as amended) [WCA] is the primary legislation for England and Wales for the protection of flora, fauna and the countryside. Part I within the Act deals with the protection of wildlife. Most European Protected Species offences are now covered under the Conservation of Habitats and Species Regulations (see below), but some 'intentional' acts are still covered under the WCA, such as obstructing access to a bat roost.

The WCA prohibits the release to the wild of non-native animal species listed on Schedule 9 (e.g. Signal Crayfish and American Mink). It also prohibits planting in the wild of plants listed in Schedule 9 (e.g. Japanese Knotweed and *Rhododendron ponticum*) or otherwise deliberately causing them to grow in the wild. This is to prevent the release of invasive non-native species that could threaten our native wildlife.

The provisions relating to animals in the Act only apply to 'wild animals'; these are defined as those that are living wild or were living wild before being captured or killed. It does not apply to captive bred animals being held in captivity. There are 'defences' provided by the WCA. These are cases where acts that would otherwise be prohibited by the legislation are permitted, such as the incidental result of a lawful operation which could not be reasonable avoided, or actions within the living areas of a dwelling house.

Licensing

Certain prohibited actions under the Wildlife and Countryside Act may be undertaken under licence by the proper authority. For example, scientific study that requires capturing or disturbing protected animals can be allowed by obtaining a licence – e.g. bat surveys.

Conservation of Habitats and Species Regulations 2017 (as amended)

The Conservation of Habitats and Species Regulations 2017 (as amended) (which are the principal means by which the EC Habitats Directive is transposed in England and Wales) update the legislation and consolidate all the many amendments which have been made to the Regulations since they were first made in 1994. These regulations provide for the:

- protection of European Protected Species [EPS] (animals and plants listed in Annex IV Habitats Directive which are resident in the wild in Great Britain) including bats, dormice, great crested newts, and otters;
- designation and protection of domestic and European Sites – e.g. Site of Special Scientific Interest [SSSI] and Special Area of Conservation [SAC]; and
- adaptation of planning controls for the protection of such sites and species.

Public bodies (including the Local Planning Authority) have a duty to have regard to the requirements of the Habitats Directive in exercising their function – i.e. when determining a planning application. There is no defence that an act was the incidental and unavoidable result of a lawful activity.

It is possible for actions which would otherwise be an offence under the Regulations to be undertaken under licence issued by the proper authority. For example, where a European Protected Species has been identified and the development risks deliberately affecting an EPS, then a 'development licence' may be required.

Bats

In England and Wales, bats and their roosts are protected under the Conservation of Species and Habitats Regulations 2017 (as amended), and the Wildlife & Countryside Act 1981 (as amended). Taken together, this legislation makes it an offence to:

- Deliberately capture (or take), injure or kill a bat
- Intentionally or recklessly disturb a group of bats where the disturbance is likely to significantly affect the ability of the animals to survive, breed, or nurture their young or likely to significantly affect the local distribution or abundance of the species whether in a roost or not
- Damage or destroy the breeding or resting place of a bat
- Possess a bat (alive or dead) or any part of a bat
- Intentionally or recklessly obstruct access to a bat roost
- Sell (or offer for sale) or exchange bats (alive or dead) or parts of bats

A roost is defined as being 'any structure or place that is used for shelter or protection', and since bats regularly move roost site throughout the year, a roost retains such designation whether or not bats are present at the time.

Birds

All common wild birds are protected under The Wildlife and Countryside Act 1981 (and as amended). Under this legislation it is an offence to:

- Kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird while it is in use or being built
- Take or destroy the egg of any wild bird
- Certain rare breeding birds are listed on Schedule 1 of The Wildlife and Countryside Act 1981 (and as amended). Under this legislation they are afforded the same protection as common wild birds and are also protected against disturbance whilst building a nest or on or near a nest containing eggs/unfledged young.

APPENDIX B: MAPS

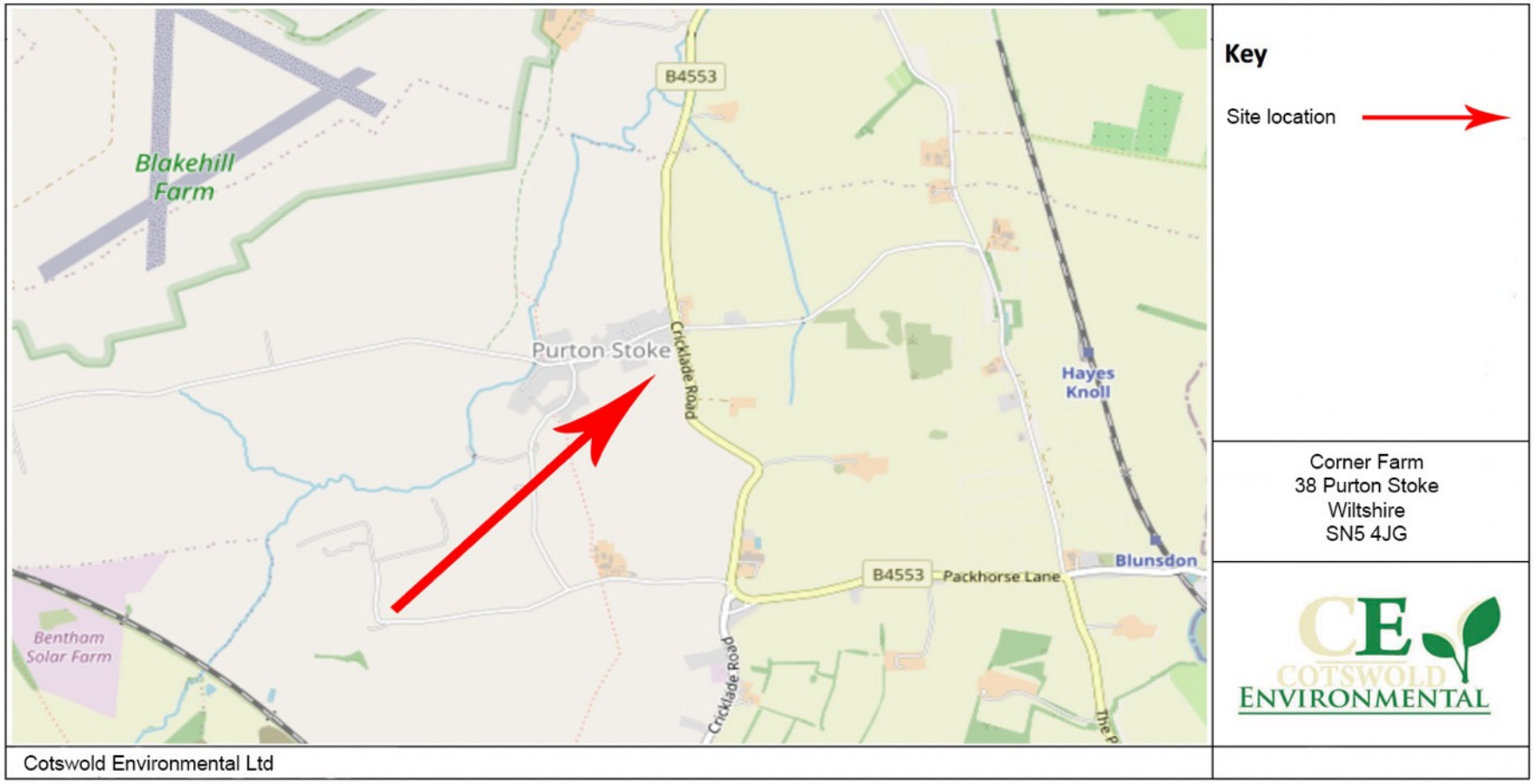

Figure 1: Site location map



Figure 2: Site Map

APPENDIX C: SITE IMAGES



Photo 1: Gated site entrance



Photo 2: Existing vehicle access



Photo 3: Site viewed from the south



Photo 4: View of Pond 1, zone of impact and surrounding improved grassland



Photo 5: One of the shepherds hut to be used in proposed development



Photo 6: Pond 1 - Located next to zone of impact

APPENDIX C: SITE IMAGES



Photo 7: Existing decking over Pond 1.



Photo 8: Nearby hedgerow at eastern boundary of field



Photo 9: Dead tree located adjacent to Pond 1



Photo 10: Flaking bark on dead tree



Photo 11: Pond 2 - Located within grounds of Corner Farm